

AMENDED IN ASSEMBLY APRIL 13, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 450

Introduced by Assembly Member De La Torre

February 24, 2009

An act to amend Section ~~13576~~ 13551 of the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 450, as amended, De La Torre. Recycled water.

Existing law prohibits a person or public agency from using water from any source of quality suitable for potable domestic use for nonpotable purposes, including cemeteries, golf courses, parks, highway landscaped areas, and industrial and irrigation uses, if suitable recycled water is available.

This bill would additionally include oil refineries among those nonpotable purposes.

~~Existing law declares that the environmental benefits of recycled water include a reduced demand for water in the Sacramento-San Joaquin Delta.~~

~~This bill would make technical, nonsubstantive changes to that provision.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 13551 of the Water Code is amended to
2 read:

13551. (a) A person or public agency, including a state agency, city, county, city and county, district, or any other political subdivision of the state, shall not use water from any source of quality suitable for potable domestic use for nonpotable uses, including cemeteries, golf courses, parks, highway landscaped areas, *oil refineries*, and industrial and irrigation uses if suitable recycled water is available as provided in Section 13550; ~~however,~~

(b) *Notwithstanding subdivision (a)*, any use of recycled water in lieu of water suitable for potable domestic use shall, to the extent of the recycled water so used, be deemed to constitute a reasonable beneficial use of that water and the use of recycled water shall not cause any loss or diminution of any existing water right.

~~SECTION 1. Section 13576 of the Water Code is amended to read:~~

~~13576. The Legislature hereby makes the following findings and declarations:~~

~~(a) The State of California is subject to periodic drought conditions.~~

~~(b) The development of traditional water resources in California has not kept pace with the state's population, which is growing at the rate of over 700,000 per year and which is anticipated to reach 36 million by the year 2010.~~

~~(c) There is a need for a reliable source of water for uses not related to the supply of potable water to protect investments in agriculture, green belts, and recreation, replenish groundwater basins, and protect and enhance fisheries, wildlife habitat, and riparian areas.~~

~~(d) The environmental benefits of recycled water include a reduced demand for water in the Sacramento-San Joaquin Delta that is otherwise needed to maintain water quality, reduced discharge of waste into the ocean, and the enhancement of groundwater basins, recreation, fisheries, and wetlands.~~

~~(e) The use of recycled water has proven to be safe from a public health standpoint, and the State Department of Public Health is updating regulations for the use of recycled water.~~

~~(f) The use of recycled water is a cost-effective, reliable method of helping to meet California's water supply needs.~~

~~(g) The development of the infrastructure to distribute recycled water will provide jobs and enhance the economy of the state.~~

1 ~~(h) Retail water suppliers and recycled water producers and~~
2 ~~wholesalers should promote the substitution of recycled water for~~
3 ~~potable water and imported water in order to maximize the~~
4 ~~appropriate cost-effective use of recycled water in California.~~

5 ~~(i) Recycled water producers, retail water suppliers, and entities~~
6 ~~responsible for groundwater replenishment should cooperate in~~
7 ~~joint technical, economic, and environmental studies, as~~
8 ~~appropriate, to determine the feasibility of providing recycled~~
9 ~~water service.~~

10 ~~(j) Retail water suppliers and recycled water producers and~~
11 ~~wholesalers should be encouraged to enter into contracts to~~
12 ~~facilitate the service of recycled and potable water by the retail~~
13 ~~water suppliers in their service areas in the most efficient and~~
14 ~~cost-effective manner.~~

15 ~~(k) Recycled water producers and wholesalers and entities~~
16 ~~responsible for groundwater replenishment should be encouraged~~
17 ~~to enter into contracts to facilitate the use of recycled water for~~
18 ~~groundwater replenishment if recycled water is available and the~~
19 ~~authorities having jurisdiction approve its use.~~

20 ~~(l) Wholesale prices set by recycled water producers and~~
21 ~~recycled water wholesalers, and rates that retail water suppliers~~
22 ~~are authorized to charge for recycled water, should reflect an~~
23 ~~equitable sharing of the costs and benefits associated with the~~
24 ~~development and use of recycled water.~~